

Application No.: 10/743,667  
Amendment Dated: June 25, 2009  
Reply to Office Action Mailed: March 25, 2009

## REMARKS/ARGUMENTS

Claims 1, 7 through 13 and 15-26 are pending in the instant application. The applicants have amended claims 1, 15 and 22, support for which may be found in Figs. 1 and 2, as originally filed, and elsewhere throughout applicants' specification. New claims 27 and 28 have also been added. No new matter is added.

The Examiner has rejected claims 15 and 22 under 35 U.S.C. 112, second paragraph for the reasons stated at page 2 of the instant Office Action. The Examiner has rejected claims 1, 4, 7 and 11 through 13 under 35 U.S.C. 102(b) as being anticipated by Fuchs et al., U.S. Patent No. 4,291,698. The Examiner has rejected claims 8, 9 and 15 through 26 under 35 U.S.C. 103(a) as being unpatentable over Fuchs et al., U.S. Patent No. 4,291,698, in view of Kammerer et al., U.S. Patent No. 6,152,935. The rejection of applicants' claims, as amended, is respectfully traversed. Reconsideration and favorable action is respectfully solicited in view of the following comments.

Applicants' attorney gratefully acknowledges the interview granted by Examiner Ryckman on June 11, 2009.

In accordance with the agreement reached at the interview, claims 1, 15 and 22 have all been amended to specify that the coupler has:

"...a third outer edge and a cross-sectional area taken in a plane parallel to the first plane that is smaller than the cross-sectional area of the first retaining member taken in a plane parallel to the first plane; where the coupler is positioned along said central a longitudinal axis of said first retaining member and said second

Application No.: 10/743,667  
Amendment Dated: June 25, 2009  
Reply to Office Action Mailed: March 25, 2009

retaining member that is substantially perpendicular to said first and second planes and located at a midpoint of a width of said first and second retaining members and joins the first retaining member to the second retaining member at the second surface and the third surface;

As indicated above, support for this amendment is clearly present in Figs. 1 and 2, as originally filed, and elsewhere throughout applicants' specification. No new matter is added.

New claims 27 and 28 have also been added. In addition to including all of the limitations of amended claim 1, new claim 27 further includes functional limitations specifying that "the first retaining member [has] an opening for receiving a suture", the second retaining means has "a holding means for receiving a suture," and that the coupler has "a third outer edge for providing a winding surface for a suture",

wherein said suture-receiving opening, holding means, and suture winding surface of said coupler provide a frictional hold for a suture.

Support for these functional limitations is present in the "Summary of the Invention" and in lines 16-22 of page 8. New claim 28 specifies that "the outer edges of said first and second retaining members are substantially annular, and ...said width corresponds to a diameter of said first and second retaining members." Support for this claim is clearly present in Figures 1 and 2. These additional limitations in new claims 27 and 28 serve to further distinguish the invention from the Fuchs '698 patent, where the Examiner in the last Office Action equated the flexible hinge 3 of Fuchs to the recited coupler in claims 1, 15 and 22.

Application No.: 10/743,667  
Amendment Dated: June 25, 2009  
Reply to Office Action Mailed: March 25, 2009

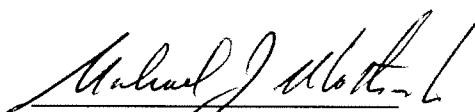
In view of the foregoing, it is respectfully submitted that the present claims re in condition for allowance. Prompt notification of allowance is respectfully solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-2478(13792).

If the Examiner has any questions or wishes to discuss this application, the Examiner is invited to contact the undersigned representative at the number set forth below.

Respectfully submitted,

Date: June 25, 2009



Michael J. Mlotkowski  
Attorney for Applicant  
Registration No. 33,020  
(703) 584-3270

POST OFFICE ADDRESS to which correspondence is to be sent:

Roberts, Mlotkowski Safran & Cole  
P.O. Box 10064  
McLean, VA 22102